

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

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|------------------------------|---|-----------------|
| GLOBE AMERICAN CASUALTY CO., |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 1:07-CV-232 |
| v. |) | |
| |) | <i>LEE</i> |
| RONALD DAVIS, K.H., |) | |
| BOBBY CROSS, TRACY LANNING, |) | |
| ANDREW LANNING, E.L., |) | |
| DEBORAH LANNING, |) | |
| RONNIE LANNING and |) | |
| BRANDI LANNING |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM and ORDER

On February 27, 2008, the Court granted the motions of Plaintiff Globe American Casualty Insurance (“Globe”): (1) for a default judgment under Fed. R. Civ. P. 55(b) against Ronald Davis (“Davis”) and terminated any interest or entitlement by Davis in the funds deposited by Globe into the registry of this Court, and (2) for a default judgment under Fed. R. Civ. P. 55(b) against Defendant Bobby Cross (“Cross”) and terminated any interest or entitlement by Cross in the funds deposited by Globe into the registry of this Court. The Court’s order [Doc. 36], left the remaining Defendants, Tracy Lanning, Andrew Lanning, Deborah Lanning, Ronnie Lanning, Brandi Lanning, and E.L., a minor (“E.L.”) (collectively the “Lanning Defendants”), as the sole remaining claimants to the funds deposited by Globe into the registry of the Court.

Globe and the Lanning Defendants have consented to the exercise of jurisdiction by the undersigned magistrate judge [Doc. 27]. Pursuant to the consent of Globe and the Lanning

Defendants, a hearing to approve a proposed final judgment as to E.L., the minor, was held on February 8, 2008. Present at the hearing were: (1) attorney Sean W. Martin (“Martin”) for Globe; (2) attorney Hubert E. Hamilton, III, for the Lanning Defendants; (3) Defendant Tracy Lanning and (4) Defendant Andrew Lanning. Subsequent to the February 8, 2008 hearing, the parties submitted a proposed Consent Final Judgment on All Issues to the chambers of the undersigned.

Defendants Tracy Lanning and Andrew Lanning are the parents of E.L. At the hearing, they testified the \$10,000.00 proposed payment to E.L. was in the best interest of E.L. Consistent with the terms of the proposed Consent Final Judgment on All Issues, Defendants Andrew and Tracy Lanning indicated the \$10,000.00 proceeds of the settlement would be conservatively invested in a federally insured bank and held in trust for the sole benefit of E.L., to be used for his education, counseling or medical treatment, with the balance to be paid to E.L. after he reaches the age of 18. The parties proposed Consent Final Judgment on all Issues also indicates counsel for E.L. had waived any attorney’s fees as to the portion of the proceeds payable to E.L.

Based upon the testimony of Tracy Lanning and Andrew Lanning at the hearing and the provisions of the parties’ proposed Consent Final Judgment on All Issues, the Court is entirely satisfied Tracy Lanning and Andrew Lanning will utilize the portion of the proceeds from the funds Globe deposited into the registry of this Court solely for the benefit of E.L., and the Court finds it is not necessary to establish a conservatorship or guardianship over such funds. Finally the Court is satisfied based upon the terms of the proposed Consent Final Judgment on All Issues and the testimony presented at the February 8, 2008 hearing that the proposed disbursement of the funds from the monies deposited by Globe into the registry of this Court to his parents and natural guardians, Tracy Lanning and Andrew Lanning, is in the best interests of the minor, E.L.

Accordingly, it is **ORDERED** the Consent Final Judgment on All Issues is **APPROVED** and the terms of the Consent Final Judgment on All Issues are hereby specifically incorporated into this memorandum and order. It is further **ORDERED** pursuant to the Consent Final Judgment on All Issues that the monies deposited by Globe into the registry of this Court, which are being held by the Clerk of the Court, are to be distributed as follows:

- (a) The Clerk of the Court is hereby **DIRECTED** to issue a check payable to Deborah Lanning and Ronnie Lanning in their capacity as the parents of Brandi Lanning for \$25,000.00;
- (b) The Clerk is also **DIRECTED** to issue a check payable to Deborah Lanning for \$6,500.00;
- (c) The Clerk is also **DIRECTED** to issue a check payable to Ronnie Lanning for \$3,500.00;
- (d) The Clerk is further **DIRECTED** to issue a check payable to Tracy Lanning for \$3,250.00 plus all accrued interest on the funds deposited by Globe into the registry of this Court, if any;
- (e) The Clerk is further **DIRECTED** to issue a check payable to Andrew Lanning for \$1,750.00; and
- (f) The Clerk is finally **DIRECTED** to issue a check payable to Andrew Lanning and Tracy Lanning in their capacity as the natural guardians of their minor

child, E.L., for \$10,000.00.

As the parties' Consent Final Judgment on All Issues fully resolves all of the outstanding issues remaining in this action, the Clerk is also hereby **DIRECTED** to close the file.

SO ORDERED.

ENTER:

s/ *Susan K. Lee*
SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE